

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Emily Cowey et al., )  
                        )  
Plaintiffs,         )  
vs.                   )      Case No. 2:20-cv-01845-CCW  
                        )  
William P. Mullen, Sheriff of Allegheny     )  
County, et al.,     )  
Defendants.         )

**JOINT MOTION TO DISMISS PURSUANT TO FRCP 41(a)(2)**

Plaintiffs Emily Cowey, Alan Booth, Chelsea Schmidt, and Firearms Policy Coalition, Inc. (collectively “Plaintiffs”) and Defendants William P. Mullen, County of Allegheny, Pennsylvania, and Colonel Robert Evanchick (collectively “Defendants”), collectively the “Parties,” having entered into a settlement agreement (“Agreement”) that fully resolves the claims in the Plaintiffs’ Complaint, hereby move the Court, under Rule 41(a)(2) of the Federal Rules of Civil Procedure, to dismiss the above captioned *Cowey, et al., v. Mullen, et al.*, Civil No. 2:20-cv-01845 (“the Action”). The Parties respectfully request that this Honorable Court dismiss the Action with prejudice while also retaining jurisdiction, under the authority of *Kokkonen v. Guardian Life Insurance Company of America*, 511 U.S. 375, 381-82 (1994), to enforce the terms of the Agreement they entered into on February 17, 2021.

In further support of their motion, the Parties state as follows:

1. Plaintiffs initiated this Action on November 30, 2020.
2. On February 17, 2021, the Parties executed the Agreement to resolve the claims in the Plaintiffs’ complaint.

3. In consideration of, and consistent with, the terms of the Agreement, the Parties now move the Court to dismiss the Plaintiffs' Action with prejudice under Rule 41(a)(2) of the Federal Rules of Civil Procedure.
4. Pursuant to the Agreement, the Parties also request that the Court retain jurisdiction to enforce the Agreement, under the authority of *Kokkonen v. Guardian Life Insurance Company of America*, 511 U.S. 375, 381-82 (1994).
5. The Agreement is the product of extensive, good-faith negotiations between the Parties. The Parties assert that the terms of the proposed dismissal order are proper and that none of the Parties will be prejudiced by granting the requested relief. *See Fed. R. Civ. P. 41(a)(2)*.
6. The Parties have agreed to bear their own attorneys' fees and costs.

**WHEREFORE**, the Parties respectfully move this Honorable Court, under Rule 41(a)(2) of the Federal Rules of Civil Procedure, to enter the attached proposed order, thereby dismissing the above-captioned civil action with prejudice while retaining jurisdiction to enforce the terms of the Agreement.

Dated: February 17, 2021

Respectfully submitted,

FOR PLAINTIFFS:

/s/ Raymond DiGuiseppi  
Raymond DiGuiseppi  
Counsel for Plaintiffs

FOR ALLEGHENY COUNTY:

/s/ Virginia Spencer Scott  
Virginia Spencer Scott  
Assistant Allegheny County Solicitor

FOR ALLEGHENY COUNTY SHERIFF'S  
OFFICE:

/s/ Lisa G. Michel

Lisa G. Michel  
Solicitor Allegheny County Sheriff's Office

FOR PENNSYLVANIA STATE POLICE  
COMMISSIONER COLONEL  
ROBERT EVANCHICK:

/s/ Stephen Moniak

Stephen Moniak  
Senior Deputy Attorney General

JOSH SHAPIRO  
Attorney General

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**ORDER**

AND NOW, this \_\_\_\_\_ day of February 2021, the Parties Joint Motion pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure is **GRANTED**. For the reasons stated in the Parties' Motion, the Court finds that the proposed dismissal is proper under Rule 41(a)(2) of the Federal Rules of Civil Procedure.

**IT IS HEREBY ORDERED:**

1. With the consent of the Parties, the Court shall retain jurisdiction for the purposes of enforcing the terms of the Parties' settlement agreement.
2. The above-captioned case *Cowey, et al. v. Mullen, et al.*, is dismissed with prejudice.

BY THE COURT:

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Christy Criswell Wiegand, District Judge  
United States District Court  
Western District of Pennsylvania